

AN ORDINANCE **97922**

AUTHORIZING A LICENSE AGREEMENT FOR MARIANO'S MEXICAN RESTAURANT TO USE PUBLIC RIGHT OF WAY FOR AN EXISTING AMERICANS WITH DISABILITIES ACT (ADA) HANDICAP ACCESS RAMP AND TO ERECT A COMMERCIAL SIGN ON AN EXISTING SIGN POLE THAT WOULD PARTIALLY ENCROACH INTO A PORTION OF PUBLIC RIGHT OF WAY AT THE INTERSECTION OF SAN PEDRO AVENUE AND JEANNETTE DRIVE, ADJACENT TO NCB 10040, FOR A TEN (10) YEAR TERM FOR A LICENSE FEE OF \$2,500.00, WHICH REFLECTS A FIFTY PERCENT (50%) DISCOUNT OF THE CALCULATED LICENSE FEE, IN CONSIDERATION FOR THE REMOVAL OF TWO (2) PRE-EXISTING SIGNS IN A CONTINUING EFFORT TO MITIGATE THE AMOUNT OF COMMERCIAL SIGNAGE IN THIS AREA.

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WHEREAS, Mariano's Mexican Restaurant (through the owner Ramiro Valadez, III), as Petitioner, has requested from the City a license to use public right of way for the placement of an existing Americans with Disabilities Act (ADA) handicap access ramp and commercial sign at the intersection of San Pedro Avenue and Jeanette , adjacent to NCB 10040; and

WHEREAS, the City is agreeable to granting the Petitioner a License Agreement for a ten (10) year term to use said public right of way, for the consideration of \$2,500.00 after application of a fifty (50%) percent discount in consideration of removal of two commercial signs within the public right of way; and

WHEREAS, mitigation of the number of grand-fathered commercial signs in the area is supported as an objective of the approved North Central Neighborhood Community Plan; and

WHEREAS, the City of San Antonio's Planning Commission approved this request at its meeting held on July 9, 2003; and

WHEREAS, Petitioner's request has been circulated through all interested City departments and utility agencies involved and Petitioner has agreed to the conditions and/or restrictions imposed by the Departments of Planning, Public Works, and Asset Management; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. A License Agreement is hereby authorized between the City of San Antonio and Mariano's Mexican Restaurant, as Licensee, for a term of ten (10) years to use a portion of public right of way for an existing Americans with Disabilities Act (ADA) handicap access ramp and commercial sign at the intersection of San Pedro Avenue and Jeanette Drive, adjacent to NCB 10040 at the location(s) shown on **Exhibit "A"** attached hereto and incorporated herein verbatim for all purposes for a License Fee of \$2,500.00 after application of a fifty (50%) percent discount in consideration of removal of two commercial signs within the public right of way.

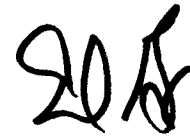
SECTION 2. The City Manager or City Manager's designee is hereby authorized to execute a License Agreement, a copy of which, signed by the Licensee, is attached hereto as **Exhibit "B"** attached hereto and incorporated herein verbatim for all purposes.

SECTION 3. The amount collected from Mariano's Mexican Restaurant under this License Agreement shall be deposited in Fund 11-000000 (General Fund) in Index Code 012732 entitled "License Agreement Use of Right of Way".

SECTION 4. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 5. This Ordinance shall be effective on August 17, 2003.

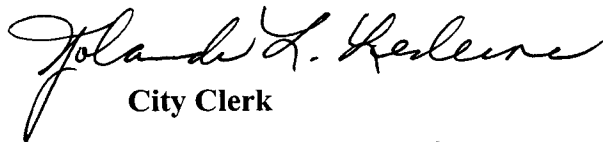
PASSED AND APPROVED this 7th day of August, 2003.



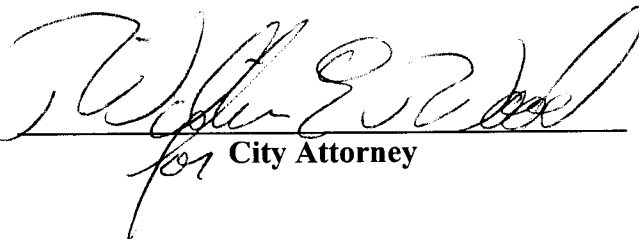
M A Y O R

EDWARD D. GARZA

ATTEST:


City Clerk

APPROVED AS TO FORM:


for City Attorney